

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

1. LERA SCHULZE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 18-cv-00130-GKF-JFJ
	)	
1. UNITED STATES,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff, Lera Schulze (“Mrs. Schulze”), for her complaint against the United States, alleges and states as follows:

**TORT CLAIM AGAINST THE GOVERNMENT**

1. Mrs. Schulze is the Widow of Deceased Veteran, John Schulze (“Schulze” or “the Veteran”). Mrs. Schulze resides in Pawnee County, Oklahoma.

2. Okla. Stat. tit. 12 § 1053 provides a cause of action for Wrongful Death, and Okla. Stat. tit. 12 § 1054 makes Mrs. Schulze the proper plaintiff.

3. Jurisdiction over Mrs. Schulze’ claims is vested in this court under 28 U.S.C. §§ 1331 & 1346. Pawnee County falls within the Northern District of Oklahoma, so venue is appropriate in this court pursuant to 28 U.S.C. § 1402.

4. The United States, through the Department of Veterans Affairs (“VA”) - Veterans Health Administration (“VHA”), operates medical facilities that are mandated to provide medical treatment to Veterans, pursuant to 38 U.S.C. §§ 7301 *et seq* (the enabling act).

5. The enabling act of the Veterans Health Administration contains 38 U.S.C. § 7316, which expands the Government Tort Claims Act, 28 U.S.C. §§ 1346 & 2672, to provide a Veteran with the right to file suit against the United States to seek damages when an employee of the VA commits negligence or any other wrongful act. Pursuant to 38 U.S.C. § 7316 the United States is the proper defendant for claims against the VA.

6. On June 8, 2017, Schulze' primary care nurse practitioner noted that Schulze described suicidal thoughts with plans to carry out his suicide. Records further describe that Schulze' Primary Care Provider consulted with the Veteran's psychologist and called police to escort the Veteran to the VA hospital.

7. VA records reveal that Schulze was admitted to the Oklahoma City VA Medical Center Emergency Department at 12:47 and was discharged at 15:44, so he spent less than three hours at the hospital.

8. Schulze died sometime during the night of June 9, 2017 from a gunshot wound to the head. Mrs. Schulze found him the following morning.

9. VA physicians at the Oklahoma City VA Medical Center, Dr. Chandresh Dave and Dr. Charlotte Rosko, violated the standard of care while evaluating Schulze in the Emergency Department for a dangerous mental condition, because the VA released the Veteran after only a short visit instead of admitting the Veteran for a more lengthy examination. The brevity of the VA's examination - less than three hours - led to the Veteran's death by suicide a short time after his release from the hospital.

10. Based on the foregoing facts, Mrs. Schulze alleges a claim for Wrongful Death under Oklahoma law because VA doctors violated the standard of care when they failed to keep the Veteran in the hospital for his dangerous mental condition, and instead released him after evaluating him for less than three hours.

11. On August 16, 2017, Mrs. Schulze submitted a tort claim notice using the appropriate Government form. On February 18, 2018 six months passed but the VA never sent notice whether Mrs. Schulze' tort claim was granted or denied. Pursuant to 28 U.S.C. § 2675, the claim was deemed denied on February 18, 2018 due to the passage of time.

WHEREFORE, premises considered, Plaintiff Lera Schulze prays for judgment against the United States, as follows:

1. For the Wrongful Death of John Schulze, damages of \$5,000,000; and,
2. All additional relief that the Court deems just and equitable.

s/Robert C. Brown Jr.  
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